Disciplinary action against practice of polygamy

3270. SHRI V. GOPALASAMY :
SHRI VIDHUTHALAI VIRUMBI :

Will the PRIME MINISTER be pleased to state :

(a) whether it is a fact that Akhil Bharatiya Meena Sangh, Rajasthan submitted a list of Government officials alongwith a memorandum to the former Chief Minister of Rajasthan with a plea to initiate disciplinary proceeding against the concerned for having practised polygamy in violation of Hindu Marriage Act;

(b) if so, what are the details thereof ;

(c) whether it is also a fact that another list of 25 officials was submitted to Department of Personnel for appropriate action in February, 1992, if so, the details thereof;

(d) whether Department of Personnel have initiated any proceedings against these officials for violation of service rules and Hindu Marriage Act; and

(e) if not, whether Government would make a reference to National Commission for Women to probe into the whole issue, if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS WITH ADDITIONAL CHARGE OF THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRIMATI MARGARET ALVA) : (a) to (e) Information is being collected from the State Government and will be laid on the table of the Sabha.

All India Transfer Liability Conditions

3271. SHRI M. A. BABY : Will the PRIME MINISTER be pleased to state :

(a) whether it is a fact that only some recruitment rules made under the provision to Article 309 of the Constitution is attached with A.I.T.L. (All India Transfer Liability) condition and some are not as rules require to stipulate condition of service for the posts; if so, the reasons thereof;

(b) whether transfer conditions put in the appointment letter are not in consonance with statutory rules be enforciable in view of Supreme Court ruling on the subject is in negative;

(c) whether person holding a post with A.I.T.L. condition under statutory rules be transferable statutorily ;

(d) if so, persons holding a post without A.I.T.L. condition under statutory rules be non-transferable statutorily ;

(e) what is the remedy if mistake is done by Ministry/Department in transferring a person holding a non-transferable post?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS WITH ADDITIONAL CHARGE OF THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRIMATI MARGARET ALVA) : (a) and (b) Normally recruitment rules are not required to indicate service conditions such as transferability. As the details of the Supreme Court ruling have not been provided it is not possible to comment thereon.

(c) and (d) Transfer liability depends mainly on the nature of the cadre. Persons holding posts which form part of All India Cadres such as Group 'A' and 'B' Services/Posts are liable to be transferred to any place in India. On the other hand, persons holding posts which form part of local/regional cadres are not normally liable to be transferred outside the area to which their cadre extends. Notwithstanding the above, however, the Government is empowered to transfer a Government servant from one post to another

(e) It is open to a Government servant to appeal or represent against a transfer order, to the competent authority.

Annual Confidential Reports

3272. SHRI SATYA PRAKASH MALVIYA :
SHRIMATI SARALA MAHESHWARI :

Will the PRIME MINISTER be pleased to state :

(a) whether it is a fact that in the Annual Confidential Reports for staff and officers of Government of India, the final gradation of performance are categorised as outstanding, very good, good, average and poor;

(b) whether it is a fact that the only category of 'poor' is treated as adverse remark and the same is to be compulsorily communicated to the concerned official within a stipulated period;

(c) whether it is a fact that the category of 'Average' and 'Good' are not treated as adverse remarks and as such these are not to be communicated to the concerned official;